



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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JUN 25 1998

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

BY: Kim Bright-Coleman
Associate General Counsel

SUBJECT: MURs 4407 and 4544 - Motion to Quash filed by Erskine Bowles

I. BACKGROUND

On February 10, 1998, the Commission found reason to believe that the Respondents in MURs 4407 and 4544 violated statutes and regulations over which it has jurisdiction, and opened an investigation. See 2 U.S.C. § 437g(a)(2); 11 C.F.R. § 111.10. On February 23, 1998, the Commission mailed a Subpoena to Produce Documents and Order to Submit Written Answers ("Subpoena and Order") to Mr. Erskine Bowles, a non-respondent witness. Attachment 1.

On May 19, 1998, acting on motions filed by other witnesses and by respondents, the Commission modified its discovery requests in these matters to seek information related to communications only to the extent that such communications refer to a clearly identified candidate. The Commission also modified interrogatory 5, propounded to Mr. Bowles, to apply only to advertisements produced in whole or in part by Squier Knapp Ochs Communications, Inc. ("SKO"), and/or the November 5 Group, Inc. ("November 5"), and advertisements paid for in whole or in part by the Democratic National Committee, the Clinton/Gore '96 Primary Committee and/or the Clinton/Gore '96 General Committee.¹

On May 26, 1998, Mr. Bowles filed a Motion to Quash ("Motion"). Attachment 2.

¹ In addition, the Commission "[granted] the Office of General Counsel contingent suit authority to file suit to enforce subpoenas in MURs 4407 and 4544 against any respondent or witness who fails to comply with them." MURs 4407 and 4544, Certification, dated May 21, 1998.

On June 4, 1998, this Office mailed a letter informing Mr. Bowles of the modifications to the subpoena served on him, and stating that his Motion would be treated as being directed to the modified Subpoena and Order. Attachment 3.

In his Motion Mr. Bowles contends that the Subpoena and Order is "contrary to law" because "the document requests and interrogatories are defectively overbroad" and "the subpoena relates to matters outside the scope of the Commission's jurisdiction." Attachment 2 at 1. Mr. Bowles argues that:

The advertisements in question did not expressly advocate the election or defeat of a clearly identified candidate, nor did they mention an election or even urge anyone to vote. These communications were thus constitutionally protected. It is not disputed that the Commission, upon a procedurally proper finding, has jurisdiction to examine the question of whether the ads contained an electioneering message, provided that the Commission limits its examination to advertisements which contain words of express advocacy.

Id.

In support of his objection that the interrogatories are overbroad, Mr. Bowles makes three arguments. First, Mr. Bowles objects that, because interrogatories 1-4 concern all advertisements paid for by the Democratic National Committee or a state Democratic Party, the subpoenas encompass activity "beyond the scope of the Federal Election Campaign Act of 1971, as amended, 1 [*sic*] U.S.C. § 431 *et seq.*" *Id.* at 2. Second, Mr. Bowles argues that interrogatory 5 is defectively overbroad because it relates to advertisements, but fails to specify the type of advertisement or "who paid for them." *Id.* Finally, Mr. Bowles argues that the interrogatories "erroneously assume a level of knowledge that [he] does not have . . ." *Id.*

In support of his argument that the document requests are overbroad, Mr. Bowles states that he "is not aware of any documents responsive to the subpoena in his personal possession." *Id.* at n.1. Mr. Bowles goes on to argue that "for the reasons that have previously been submitted to the Commission, the document requests are defectively overbroad and exceed the jurisdiction of the Commission." *Id.*²

In support of his argument that the Subpoena and Order exceeds the scope of the Commission's jurisdiction, Mr. Bowles points out that the Commission has previously ascertained whether an advertisement is issue-related or candidate-related by examining whether the advertisement depicts a clearly identified candidate and contains an electioneering message.

² Mr. Bowles has not previously filed any documents in these matters, and his reference to "the reasons that have previously been submitted to the Commission" presumably refers to the arguments made in a March 5, 1998, letter from Cheryl Mills, Esquire, to the Commission. Attachment 4. Ms. Mills represents the Executive Office of the President in these matters. *Id.* Her March 5, 1998, letter was made "in response to the . . . subpoena issued to the Executive Office of the President . . . and, to the extent it seeks White House materials, to Erskine Bowles . . ." *Id.* at 1.

Id. at 2. Mr. Bowles next claims that “[t]he DNC issue ads were specifically designed to and did comply with [Advisory Opinion 1995-25].” *Id.* at 3. Mr. Bowles then goes on to argue that the courts have prohibited the Commission from regulating communications that do not contain express advocacy. *Id.*

II. DISCUSSION

A. The Law

The Commission is authorized by statute to issue subpoenas for the production of documents and orders requiring the submission of written answers to questions. 2 U.S.C. § 437d(a). Any person to whom a subpoena is directed may apply to the Commission to quash or modify such a subpoena within five days after the date of receipt of the subpoena. 11 C.F.R. § 111.15(a). Such an application should be accompanied by a brief statement stating the reasons why the Commission should quash or modify the subpoena. *Id.* The Commission may deny the application, quash the subpoena or modify the subpoena. 11 C.F.R. § 111.15(b).

The Commission’s subpoenas and orders to answer questions are enforceable by the Federal district courts. 2 U.S.C. § 437(b). In general, an agency subpoena is enforceable if the subpoena relates to a matter within the authority of the agency, the demand is not too indefinite and the information sought is reasonably relevant. *United States v. Morton Salt Co.*, 338 U.S. 632, 652 (1950). Enforcement of an administrative subpoena does not require that the issuing agency propound a theory of its possible future case. *Federal Trade Commission v. Texaco, Inc.*, 555 F.2d 862, 874 (D.C. Cir.) (en banc), *cert. denied*, 431 U.S. 974 (1977). However, because the matters over which the Commission has jurisdiction involve the regulation of activities protected by the First Amendment, some courts have quashed Commission subpoenas upon concluding that the Commission did not have subject matter jurisdiction over the activity that was the subject of the subpoena. *Federal Election Commission v. Florida for Kennedy Committee*, 681 F.2d 1281 (11th Cir. 1982); *Federal Election Commission v. Citizens for Democratic Alternatives in 1980*, 655 F.2d 397 (D.C. Cir. 1981), *cert. denied* 454 U.S. 897 (1981); *Federal Election Commission v. Machinists Non-partisan Political League*, 655 F.2d 380 (D.C. Cir. 1981), *cert. denied* 454 U.S. 897 (1981).³

³

In *Machinists Non-partisan Political League* the Court of Appeals explained:

In order to insure that the Commission’s investigations comport with the fundamental first amendment interest in guarding constitutionally protected information from unlawful disclosure, we believe that when a serious and novel question of the Commission’s subject matter jurisdiction is presented, an essential prerequisite for enforcing an FEC subpoena is a determination by the district court that subject matter jurisdiction exists for the investigation.

Machinists Non-partisan Political League, 655 F.2d at 396. The Court of Appeals went on to hold that where the Commission asserts that the information that is the subject of the subpoena is necessary for resolution of the jurisdictional question, the district court should enforce the subpoena only to the extent necessary to resolve the jurisdictional issue and order broader enforcement only if “jurisdiction for a full investigation appears to exist.” *Id.* at 396-97.

B. Timeliness of the Motion

The subpoena was delivered to Mr. Bowles on February 26, 1998. Accordingly, the last day on which he could timely file a motion to quash or modify the subpoena was March 5, 1998. See 11 C.F.R. §§ 111.15(a); 111.2(b). Mr. Bowles' Motion was filed on May 26, 1998, and is untimely.

With respect to the tardiness of the Motion, Mr. Bowles states that:

Counsel for Mr. Bowles believed that there was no need for a direct response by Mr. Bowles personally as a result of a letter from Deputy Counsel to the President, Ms. Cheryl Mills, Esq., to FEC General Counsel Lawrence Noble dated March 5, 1998. Exhibit A. By letter of May 14, 1998, FEC attorney Joel J. Roessner advised that a response is due from Mr. Bowles to the interrogatories. Exhibit B. As that letter reflects, Mr. Bowles is not aware of any documents responsive to the subpoena in his personal possession. He does, however, respectfully submit that for the reasons that have previously been submitted to the Commission, the document requests are defectively overbroad and exceed the jurisdiction of the Commission.

Attachment 2 at n.1.⁴

The discovery requests sent to Mr. Bowles included both a subpoena for the production of documents and an order to answer questions. The correspondence cited by Mr. Bowles discusses the fact that he does not personally have custody of documents responsive to the subpoena. It is not clear how this correspondence supports Mr. Bowles' claim that he believed that he was not required to answer the interrogatories. Furthermore, it is not clear how Mr. Bowles could have reasonably held such a belief.

Mr. Bowles' motion should be denied as untimely. To the extent that the Commission nevertheless considers the motion on the merits, it should be denied for the reasons set forth below.

C. Analysis

The Subpoena and Order satisfies the *Morton Salt* criteria for enforcement. *United States v. Morton Salt Co.*, 338 U.S. 632, 652 (1950). The Subpoena and Order relates to the issues whether the DNC paid for a major advertising campaign which was calculated to further President Clinton's re-election efforts, and whether the President and campaign officials directed and actively participated in the development of this campaign. To the extent that these events

⁴ It appears that copies of the March 5 and May 14 letters were not attached to Mr. Bowles' Motion to Quash. Copies are appended to this memorandum. Attachments 4 and 5.

did occur, the DNC funding would constitute in-kind contributions to President Clinton's re-election campaign or coordinated party expenditures. See 2 U.S.C. §§ 441a(a)(7)(B)(i) and 441a(d). The Commission's jurisdiction to regulate contributions to candidates receiving public funding and matching funds (and their campaign committees), as well as expenditures made by national committees on behalf of such candidates, is beyond dispute, and does not present a "serious and novel question of the Commission's subject matter jurisdiction." *Machinists Non-partisan Political League*, 655 F.2d at 396. While the question at what point a sitting President's role in the development and publication of a media campaign crosses the line from mere coordination of issue advocacy to "attempt[ing] to circumvent the Act through prearranged or coordinated expenditures amounting to disguised contributions. . .," *Buckley v. Valeo*, 424 U.S. 1, 46-47 (1976), to his or her re-election campaign is a difficult and important legal question, the opinion of this Office is that the Commission's jurisdiction over contributions to, and expenditures by, a publicly-funded candidate is a sufficient basis for its investigation in these matters. The fact that the respondents maintain that their activities, as a matter of fact, amount only to issue advocacy is not a sufficient basis to challenge the Commission's jurisdiction to conduct an investigation to test this proposition.

Moreover, the requests for answers to questions and the production of documents are not indefinite. To the contrary, the language of the interrogatories and the requests for production is particular and specific, unambiguously seeking information related to the funding, production and publication of advertisements which were funded by the DNC or state democratic parties, and which were developed and/or created by SKO or November 5. This information is directly relevant to the issue whether the DNC funded a media campaign which was orchestrated by the President and campaign officials. Thus, the subpoenas satisfy the *Morton Salt* criteria for enforcement.

Mr. Bowles' argument that interrogatories 1-4 are overbroad because they "concern all advertisements paid for by the DNC or a State Democratic Party" should be rejected by the Commission. Interrogatories 1-4 are limited to advertisements which were produced by SKO or November 5. As set forth in detail in the First General Counsel's Report, it appears that SKO and November 5 were interconnected firms which were responsible for the Clinton/Gore primary and general election media campaigns. Mr. Bowles' objection to the breadth of interrogatory 5 was addressed by the Commission's modification of that interrogatory on May 19, 1998. Mr. Bowles has been notified of that modification, and the opinion of this Office is that no further modification is required. Furthermore, the opinion of this Office is that there is no reason to quash or modify the document requests where, as here, the witness states that he has no responsive documents in his possession or control.

The Commission should also reject Mr. Bowles' suggestion that the Subpoena and Order should be quashed because the interrogatories "erroneously assume a level of knowledge that Mr. Bowles does not have . . ." Attachment 2 at 2. The purpose of the Subpoena and Order is for the Commission to ascertain which matters are within Mr. Bowles' knowledge. To the extent that Mr. Bowles has no knowledge of a particular matter addressed by an interrogatory, he should state, under oath, that he has no knowledge of that matter.

The Commission should also reject Mr. Bowles' argument that the Subpoena and Order exceeds the scope of the Commission's authority because the advertisements do not contain an electioneering message, nor do they clearly identify a candidate for federal office. The May 19, 1998 modifications to the Subpoena and Order limit discovery in these matters to seek information related to communications only if the communication refers to a clearly identified candidate. The issue whether a particular communication, in which a candidate is clearly identified, also contains an electioneering message is a determination which should not be left to the respondents and the non-respondent witnesses to decide for themselves.

For the foregoing reasons, the Commission should reject Mr. Bowles' Motion to Quash.

III. RECOMMENDATION

The Office of General Counsel recommends that the Commission deny the Motion to Quash submitted by Erskine Bowles, and approve the appropriate letter.

Attachments:

1. Subpoena and Order (Erskine Bowles)
2. Motion to Quash
3. Commission Letter to Erskine Bowles, dated June 4, 1998
4. Letter from Cheryl Mills, Esq., dated March 5, 1998
5. Commission Letter to Erskine Bowles, dated May 14, 1998

Staff Assigned: Joel J. Roessner
Delanie DeWitt Painter
Andre G. Pineda
Delbert K. Rigsby
Attorneys

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MURs 4407 and 4544

**SUBPOENA TO PRODUCE DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS**

To: Erskine Bowles
White House Chief of Staff
The White House
Washington, D.C. 20500

Pursuant to 2 U.S.C. §§ 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set her
hand in Washington, D.C. on this 29th day of February, 1998.

Joan D. Aikens

Joan D. Aikens
Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Attachments

Interrogatories and Document Requests

INSTRUCTIONS

In answering the interrogatories and requests for production of documents, furnish all documents and other information specified below, however obtained, including hearsay, that are in your possession, custody or control, or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each discovery request propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input and those who assisted in drafting the response.

If you cannot answer the discovery requests in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information. When an approximation or estimate is stated, designate the approximation or estimate as such and identify and describe each method by which, and each source of information upon which, the approximation was made.

Should you claim a privilege or other objection with respect to any documents, communications, or other items about which information is requested by the following interrogatory and requests for production of documents, describe such items in sufficient detail to provide justification for the claim or other objection. Each claim of privilege must specify in detail all grounds on which it rests. No part of a discovery request shall be left unanswered merely because an objection is interposed to another part of the request.

Unless otherwise indicated, the following discovery requests refer to the time period from January 1, 1995 to the present.

The following interrogatories and requests for production of documents are continuing in nature and you are required to file supplementary responses or amendments during the course of this matter if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"Clinton/Gore" shall mean the Clinton/Gore '96 Primary Committee, Inc.

"Commission" shall mean the Federal Election Commission

"DNC" shall mean the Democratic National Committee and each of its accounts

"SKO" shall mean Squier Knapp Ochs Communications

"November 5" shall mean the November 5 Group, Inc.

"State Democratic Party" shall mean the Democratic Party entity for each state in the United States of America, the Democratic Party entity for each territory of the United States of America, and any other Democratic Party entity within the United States of America that is permitted to accept funds from any of the following DNC accounts, or any other DNC accounts: DNC Service Corp./Democratic National Committee, DNC Non-Federal Unincorporated Account, DNC Non-Federal Finance Fund, DNC Non-Federal Building Fund, DNC Non-Federal Corporate, DNC Non-Federal General, DNC Non-Federal Max-Pac, DNC Non-Federal General #2, and DNC Non-Federal Individual.

"Radio Station" means the place, building, or establishment from which radio services are provided or operations are directed.

"Television Station" means the place, building, or establishment from which television services are provided or operations are directed.

"You," "your" and "their" shall mean the named person or entity to whom these requests are directed, including all officers, employees, agents, volunteers and attorneys thereof.

"Person" shall mean an individual, partnership, committee, association, corporation, labor organization, or any other type of organization, entity or group of persons as defined in 2 U.S.C. § 431(11).

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term "document" includes data or information compiled or maintained in electronic or digital form, such as computer files, tables, spreadsheets or databases. The term "document" also includes, but is not limited to books, letters, contract notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, check

ledgers, money orders or other commercial paper, invoices, receipts, wire transfers, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, electronic records, and electronic mail messages. Each draft or non-identical paper or electronic copy is a separate document within the meaning of this term.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, and the number of pages comprising the document. "Identify" with respect to a document shall also mean the identification of each person who wrote, dictated or otherwise participated in the preparation of the document (typists need not be included), each person who signed or initialed the document, each person who received the document or reviewed it, and each person having custody of the document or a copy of the document. Identification of a document includes identifying all originals or copies of that document known or believed to exist.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and telephone numbers, the present occupation or position of such person. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these discovery requests all responses that otherwise might be construed to be out of their scope.

Except where the discovery request states otherwise, any reference to the singular shall be construed as including the plural, any reference to the plural shall be construed as including the singular, and any reference to one gender shall include the other.

The Commission incorporates herein by reference the full text of the definitions of other terms set forth in 2 U.S.C. § 431 and 11 C.F.R. § 100.

DOCUMENT REQUEST

1. All documents in your custody or control that refer to, relate to, or contain any information regarding television, radio or print advertisements developed and created by SKO which were paid for in whole or in part by the DNC. Such advertisements include, but are not limited to, the television advertisements entitled: "Protect," "Moral," "Emma," "Sand," "Wither," "Families," "Threaten," "Firm," "People," "Children," "Slash," "Table," "Supports," "Defend," "Values," "Enough," "Economy," "Photo," "Same," "Finish," and "Dreams." Responsive documents include, but are not limited to, all memoranda, scripts, correspondence,

notes, financial documents, contracts, agreements, telephone bills, logs, video or audio tapes, and records that reference the planning, organization, development and/or creation of any advertisements. Responsive documents also include any other information which satisfies the definition of "document."

2. All documents in your custody or control that refer to, relate to, or contain any information regarding television, radio or print advertisements developed and created by November 5 which were paid for in whole or in part by the DNC. Such advertisements include, but are not limited to, the television advertisements entitled: "Protect," "Moral," "Emma," "Sand," "Wither," "Families," "Threaten," "Firm," "People," "Children," "Slash," "Table," "Supports," "Defend," "Values," "Enough," "Economy," "Photo," "Same," "Finish," and "Dreams." Responsive documents include, but are not limited to, all memoranda, scripts, correspondence, notes, financial documents, contracts, agreements, telephone bills, logs, video or audio tapes, and records that reference the planning, organization, development and/or creation of any advertisements. Responsive documents also include any other information which satisfies the definition of "document."

3. All documents in your custody or control that refer to, relate to, or contain any information regarding television, radio or print advertisements developed and created by SKO which were paid for in whole or in part by any State Democratic Party. Such advertisements include, but are not limited to, the television advertisements entitled: "Protect," "Moral," "Emma," "Sand," "Wither," "Families," "Threaten," "Firm," "People," "Children," "Slash," "Table," "Supports," "Defend," "Values," "Enough," "Economy," "Photo," "Same," "Finish," and "Dreams." Responsive documents include, but are not limited to, all memoranda, scripts, correspondence, notes, financial documents, contracts, agreements, telephone bills, logs, video or audio tapes, and records that reference the planning, organization, development and/or creation of any advertisements. Responsive documents also include any other information which satisfies the definition of "document."

4. All documents in your custody or control that refer to, relate to, or contain any information regarding television, radio or print advertisements developed and created by November 5 which were paid for in whole or in part by any State Democratic Party. Such advertisements include, but are not limited to, the television advertisements entitled: "Protect," "Moral," "Emma," "Sand," "Wither," "Families," "Threaten," "Firm," "People," "Children," "Slash," "Table," "Supports," "Defend," "Values," "Enough," "Economy," "Photo," "Same," "Finish," and "Dreams." Responsive documents include, but are not limited to, all memoranda, scripts, correspondence, notes, financial documents, contracts, agreements, telephone bills, logs, video or audio tapes, and records that reference the planning, organization, development and/or creation of any advertisements. Responsive documents also include any other information which satisfies the definition of "document."

5. All documents in your custody or control that refer to, relate to, or contain any information regarding television, radio or print advertisements developed and created by SKO which were paid for in whole or in part by Clinton/Gore. Responsive documents include, but are not limited to, all memoranda, scripts, correspondence, notes, financial documents, contracts, agreements, telephone bills, logs, video or audio tapes, and records that reference the planning, organization, development and/or creation of any television, radio or print advertisements. Responsive documents also include any other information which satisfies the definition of "document."

6. All documents in your custody or control that refer to, relate to, or contain any information regarding television, radio or print advertisements developed and created by November 5 which were paid for in whole or in part by Clinton/Gore. Responsive documents include, but are not limited to, all memoranda, scripts, correspondence, notes, financial documents, contracts, agreements, telephone bills, logs, video or audio tapes, and records that reference the planning, organization, development and/or creation of any television, radio or print advertisements. Responsive documents also include any other information which satisfies the definition of "document."

INTERROGATORIES

1. Identify each and every person who has knowledge or information regarding the planning, organization, development and/or creation of television, radio or print advertisements produced by SKO and paid for in whole or in part by the DNC.

2. Identify each and every person who has knowledge or information regarding the planning, organization, development and/or creation of television, radio or print advertisements produced by SKO and paid for in whole or in part by any State Democratic Party.

3. Identify each and every person who has knowledge or information regarding the planning, organization, development and/or creation of television, radio or print advertisements produced by November 5 and paid for in whole or in part by the DNC.

4. Identify each and every person who has knowledge or information regarding the planning, organization, development and/or creation of television, radio or print advertisements produced by November 5 and paid for in whole or in part by any State Democratic Party.

5. State the time and date of each meeting and telephone conversation during which there was any discussion of any kind concerning the planning, organization, development and/or creation of television, radio or print advertisements. Such discussion includes but is not limited to discussion of advertisements produced in whole or in part by SKO, advertisements produced in whole or in part by November 5, advertisements paid for in whole or in part by the DNC, advertisements paid for in whole or in part by any State Democratic Party, and advertisements paid for in whole or in part by Clinton/Gore. "Meeting" means any discussion among two or

more persons, including discussions that were incidental to another meeting topic, telephone conversations, and discussions by any other electronic medium. For each meeting:

- a. Identify the location of the meeting, and for telephone or other electronic discussions, the location of each participant.
 - b. Identify each and every person who attended, heard or participated in any meeting. For each identified person, indicate which meeting that person attended, heard or participated in, and the date that each meeting occurred.
 - c. Describe the substance, decisions, discussion and details of each and every meeting.
 - d. Identify who produced the specific advertisements discussed in the meeting, including SKO, November 5, or some other entity or person.
 - e. Identify each person or entity that paid in whole or in part for any advertisements that were discussed, including but not limited to the DNC, State Democratic Committees and Clinton/Gore, and the amount paid by each person or entity.
6. Identify each and every person from whom SKO purchased time to air television or radio advertisements. For each identified person, indicate what advertisements aired, the television or radio station on which the advertisements aired, the date the advertisements aired, how many times the advertisements aired, the price of airing the advertisements, and who paid for the airing of the advertisements.
7. Identify each and every person from whom November 5th purchased time to air television or radio advertisements. For each identified person, indicate what advertisements aired, the television or radio station on which the advertisements aired, the date the advertisements aired, how many times the advertisements aired, the price of airing the advertisements, and who paid for the airing of the advertisements.
8. Identify each and every newspaper, magazine or other publication where SKO purchased space to publish advertisements. For each identified publication, indicate what advertisements were published, the date the advertisements were published, the price of publishing the advertisements, and who paid for the publication of the advertisements.
9. Identify each and every newspaper, magazine or other publication where November 5 purchased space to publish advertisements. For each identified publication, indicate what advertisements were published, the date the advertisements were published, the price of publishing the advertisements, and who paid for the publication of the advertisements.

10. Identify each and every person who has knowledge or information regarding the planning, organization, development and/or creation of television, radio or print advertisements produced by SKO and paid for in whole or in part by Clinton/Gore.

11. Identify each and every person who has knowledge or information regarding the planning, organization, development and/or creation of television, radio or print advertisements produced by November 5 and paid for in whole or in part by Clinton/Gore.

12. Identify each and every television, radio or print advertisement that SKO planned, organized, developed and/or created for Clinton/Gore.

13. Identify each and every television, radio or print advertisement that November 5 planned, organized, developed and/or created for Clinton/Gore.